

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

INDIAN HARBOR INS. CO.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:13CV1551 CDP
)	
MUNICIPAL MORTGAGE &)	
EQUITY, LLC, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

In response to my order that plaintiff file an amended complaint with proper allegations of diversity, plaintiff has requested additional time and seeks leave to take limited jurisdictional discovery. Under all the circumstances of this case, I believe limited discovery is appropriate.

The Eighth Circuit Court of Appeals has recognized that limited discovery may be an appropriate way to determine whether diversity of citizenship exists where limited partnerships or other non-corporate entities are sued. In *Joyce v. Armstrong*, 4:08CV1390 CEJ, the Court of Appeals entered an order that jurisdictional discovery be conducted to determine the citizenship of a limited liability partnership. See August 9, 2010 Order of USCA, docket entry # 54, in Case No. 4:08CV1390 CEJ.


Plaintiff has diligently attempted to determine the citizenship of these entities, but has been unable to do so. It appears that plaintiff has good reason to believe complete diversity exists. Because I cannot proceed until we know that for sure, I will grant the request for more time and for limited discovery into the citizenship of the parties.

I also note that plaintiff has filed returns of summonses indicating that three of the defendants have been properly served and are in default. Once plaintiff is able to establish that this court has diversity jurisdiction, plaintiff should file motions for entry of default and default judgment as to those defendants.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for additional time to and to conduct limited discovery [#14] is GRANTED. Plaintiff shall report to the status of its attempts to discover the citizenship of these defendants no later than **February 5, 2014**.

IT IS FURTHER ORDERED that the stay previously entered is lifted, and plaintiff should supplement its allegations of diversity as soon as it receives the information needed.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 6th day of December, 2013.